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# TRIAL

OF THE

PERSONS INDICTED IN THE HANCOCK CIRCUIT COURT,  
FOR THE

## MURDER OF JOSEPH SMITH,

At the Carthage Jail, on the 27th day of June, 1844.

At the October Term, 1844, of the Circuit Court for Hancock county, two Bills of Indictment were found against Levi Williams, Mark Aldrich, Jacob C. Davis, Wm. N. Grover, Thomas Sharp, John Wills, William Voorhes, Allen and Gallaher; one for the murder of Joseph, and the other for the murder of Hyrum Smith. These Indictments being brought into Court, the five first named Defendants asked of the Court an immediate trial; but Murray McConnell, the Agent of Governor Ford, who had been very busy during the Term in endeavoring to influence the action of the Grand Jury, stated to the Court, that if the Defendants entered their appearance and insisted on an immediate trial, he should be compelled to make affidavit, that on account of the absence of witnesses, the People could not safely proceed to trial. The Court said that if such affidavit were made, a continuance of the cause would be granted; and, therefore, the Defendants declined to enter their appearance. As the object to the Defendants, however, the said McConnell agreed with the Defendants' counsel, that if the Defendants would agree to appear voluntarily at the next May Term of the Court, no warrant should issue during the vacation. This was assented to. But notwithstanding, about five weeks after the adjournment of Court, this same McConnell filed in the office of the Clerk of the Circuit Court, an order for the issuing of writs against the Defendants, *instantly*. The writs were accordingly issued; but the Sheriff never was allowed the opportunity to serve them.

The May Term of the Circuit Court commenced its sitting on Monday the 19th. At the opening of the afternoon session of the first day, the five first named of the above Defendants, appeared in Court, and through their counsel stated that they were ready to enter into recognizance for their appearance from day to day during the Term. This being agreed to on the part of the Prosecuting Attorney, the Defendants accordingly entered into recognizance the one for the other in the sum of \$1,000 each. The trial was then set for Wednesday the 21st, on which day the Defendants appeared in Court, and filed their affidavit that the County Commissioners, who selected the array of jurors for the week, were prejudiced against them, and had selected said jurors with a view to prevent a fair trial in their case. They also filed another affidavit, that the Sheriff and his deputies were, on account of prejudice, unfit persons to select the talemen that might be required;

and therefore they entered a motion to quash the array of jurors; to set aside the Sheriff and his deputies, and to appoint *Elisors* to select a jury for the case. After argument, the Court decided to quash the array—set aside the Sheriff and his deputies—and, the Coroner being absent from the State, to appoint two *Elisors* to select the jury.

On Thursday morning, the 22d, Thomas H. Owen and William D. Abernethy, having been agreed on as proper persons to act as *Elisors*, between the Defendants counsel and the Prosecuting Attorney, were appointed to that office by the Court, and having taken the necessary oath, proceeded immediately to the discharge of their duties. On the opening of the evening session of the Court, twenty-four persons were returned as jurors, and from this number five were selected. Another twenty-four were reported, and but two found who were not challenged either peremptorily or for cause.

On Friday the 23d, the *Elisors* did not report any jurors until the evening session, at which time twenty-four being returned, four were chosen, and twenty-four more being named, one was chosen, which completed the panel.

The jury consisted of the following persons, to wit: Jabez A. Bebec, Frederick M. Walton, Sitas Griffiths, James Gettings, Jonathan Foy, Joseph Massie, William Smith, Joseph M. Jones, William Robertson, Jesse Griffiths, Solomon J. Hill and Gilmore Callison.

The Prosecuting Attorney, in making up the jury, exhausted thirty-six out of fifty peremptory challenges, to which he was entitled; and the Defendants, twelve, out of one hundred to which they were entitled.

Josiah Lamborn, Esq., the Agent of Governor Ford, conducted the prosecution.

O. H. Browning, William A. Richardson, Archibald Williams, C. A. Warren, O. C. Skinner and Thos. Morrison, Esqrs. conducted the defence.

On Saturday the 24th, the examination of witnesses commenced, and proceeded as follows:

*Jonas Hobart* sworn. I live in Carthage and did on the 27th day of June 1844, when Joe Smith was killed. It was about 5 o'clock P. M. Was present at the jail, but did not see the men killed. I saw Smith after he was dead. Heard guns fired—was then at home, about 100 yards from the jail. Did not see Smith fall from jail window. He fell from the east side and I was on the south side. Examined his wounds. He was shot in the right breast, abdomen and left shoulder. Shot a little below the right pap. He was dead before I saw him. The wound in the breast was mortal, and think it was made with a rifle ball. Saw a great crowd of people at the jail, but none that I knew. There were probably 150 there—some of them disguised. Saw none of the defendants there. Crowd left soon after Smiths were killed and went west. I was told by one of the guard to stand back. There was so much excitement, I hardly knew what took place. I knew Joe Smith. Was at the jail two minutes or less before the crowd left—could not have been more. Heard nothing said by crowd about killing Smiths. None of the crowd examined him. The mob walked off pretty fast. They were armed with muskets and a peculiar kind of rifles with spring breeches—also had knives. Saw one man have a knife. Heard no orders, nor saw any one in command. There was much noise at the time. Should think about 30 guns fired.

*John Peyton* sworn. I was part of the day on which Smiths were killed at home. Think I saw all the defendants that day—some at Warsaw and some between Carthage and Warsaw. Saw Davis and Aldrich in Warsaw early in the morning. Did not see the rest there. We were fixing to go to Golden's Point. Were encamped at Warsaw as Governor's Troops. We went part of the way to Golden's Point and were discharged by Col. Williams. Don't know that Sharp was there then. This was 5 or 6 miles from Warsaw—possibly more. Davis, Aldrich, Williams, Grover and Sharp were about there when the troops were discharged. It was about 12 M. Heard Sharp make a small speech; but don't recollect all that he said. Said Joe Smith was now in Carthage—that the Mormons would select the county officers and by that means select their own jury and be tried within himself. Did not say any thing about killing Joe Smith. Some one, don't know who, think it was Aldrich, called the men in a line and called for volunteers to go to Carthage. Don't know what their intention was in going to Carthage. Were ten miles from Carthage. Saw all the defendants start for Carthage but Davis—he went back—made no speech—told me he was going back. Over half of the troops started to Carthage. Think there was over 100 or about 100 started to Carthage about 12 M. Sharp and Williams were on horseback. Don't know that any one exercised any authority. Aldrich said something to the effect that the Mormons had every thing in their own hands and it was time to do something to redress our grievances. Didn't say much. Don't recollect all of Sharp's speech—he spoke of the grievances of the people as we then understood them, and said the Governor says what you do you must do quickly. Aldrich spoke first. He did not make a fair start, and Sharp came up and took it off his hands. Did not see Grover at the time. Think Grover was about. Williams came up as Sharp concluded. After they got through speaking, some started for Carthage, others home. Think all the defendants but Davis, started for Carthage. Didn't hear Williams say a word. Williams did not ride a white or a black horse; but can't recollect the color. Had baggage wagons along. Saw one start—think it was owned and drove by Fultz. Think two or three started for Carthage. Don't know whether they carried their arms or put them in wagons. This was on the 27th day of June, 1844, about 12 M. near the Railroad Shantee. Col. Williams lives south or south west of that. Warsaw is west and Carthage is easterly.

*George Walker* sworn. I saw some of the Defendants on the day the Smiths were killed. Saw Davis and Williams, certain. Think I saw Grover. Saw them at different places. Some of them at Railroad Shantee. Cannot say that I saw Sharp or Aldrich. Williams came up to company and said Governor Ford had done all the law authorised him to do. Said something about coming to

Carthage. There was a call made for volunteers—don't know who by or whether any of the Defendants were then present. Don't know whether Williams said any thing about Mormons or who was going to Carthage. Saw Davis going towards home—heard him say, he'd be d——d if he was going to kill men confined in prison. Heard nothing of going to Carthage from Grover. Don't know that any of Defendants went to Carthage. Woodruff, Loftis and Eli Walker heard the same remark I did from Davis. Did not hear it as public talk that any were going to kill the Smiths. Williams rode a bay mare. There were some half dozen baggage wagons. Did not see Brackenberry. At that time did not know him. Did not see Aldrich's wagon. Don't know of Fuller having a wagon there.

*Franklin A. Worrell* sworn. I was one of the guards at the jail. Saw Smith when he was killed. Saw none of the Defendants at the jail. Suppose there were one or two hundred there. They staid three or four minutes. First they formed in front of the jail, then made a rush. Knew none that came up. There was much confusion. Some had their faces blacked with powder. The men were very much crowded. Heard nothing that was said. So smoky and so much noise that I could neither see or hear. I was in the door when crowd came up and was pushed and shoved some fifty feet. There was a fence about 12 feet from the door. The larger portion of the crowd came inside of the fence. Saw Smith die—was within ten feet of him. Did not see him in the window. Perhaps a minute after he fell I saw him die. The crowd came down the fence from the Nauvoo road. That is the only direction or road from Nauvoo. Is not the direction of Warsaw. Warsaw is south of west—the fence is east and west—Nauvoo is north of west. The Railroad Shantees are south of west, in a direct line to Warsaw. Saw no one on horseback at the time the deed was done. Some may have come up from Carthage after it was over. Think I saw Aldrich about fifteen minutes after the event at the jail; but not before. Event took place about 5 or 6 o'clock. Think Williams was in town. Did not see Sharp, Grover or Davis. It was so crowded at the jail that I could not see much. Know about one-third of the men in the county; but none at the jail. Might have been some scared.

*Baldwin L. Samuels* sworn. Was in town but not at jail when Smiths were killed. Was there afterwards. When the act was done was on the way from court house to jail. All left before I got there. I saw Williams and Sharp and think I saw Aldrich in town that day; but did not see Davis or Grover. Saw Sharp and Williams in the afternoon, before the killing. I saw them two or three hours before. Do not know what Williams was doing. Did not see him making any arrangements. Sharp was here with

Williams. Think Aldrich was here; but am not positive. Col. Williams went down with the Greys from town. Heard no signal guns fired from edge of timber. The men were dead, and mob gone before Greys got there. Col. Williams went by our side. The mob were two hundred yards off when we got there. Saw Williams passing on the street. Did not see Sharp when Greys went down. They went as fast as they well could. Did not see Williams on horseback. Think Sharp was in a buggy.

*George Backman* sworn. Saw Williams and Aldrich before the firing at the jail. Aldrich took dinner at Hamilton's 20 or 30 minutes before the murder. Saw Williams when we were marching to the jail. I was in Thatcher's company. Did not see Williams meet H. T. Wilson. Did not see Sharp or Grover or Davis. Did not hear Aldrich or Williams say any thing about the matter. There were but few people staid in town that night. I stayed with the family where I boarded. Governor told the people all to leave town.

*John D. Mellen* sworn. Was not in Warsaw when Smiths were killed. Was in Westboro', Mass. Got back about first of August.

*Canfield S. Hamilton* sworn. Kept tavern in Warsaw when Smiths were killed. Was at home that night. A good many people came to supper about dark—none late at night. Don't know of any going to Fleming's. Saw Sharp about 8 or 9 o'clock. Saw Davis and Grover about same time. Can't say that I saw Williams. The news was that Joe was killed. Known all over town. Heard none of the Defendants say any thing about killing the Smiths. Did not see Defendants on the road to Warsaw. Went down myself in a carriage. Dodge went with me. Colonel Williams never made any admissions to me. Never heard any of the Defendants speak of killing of the Smiths. Sharp came out with me to Carthage in carriage on the day the Smiths were killed. May be mistaken; but think not. This was about 7 A. M.

*Eli H. Williams* sworn. I live in Carthage. Was in town the day the Smiths were killed. Was at the jail a few minutes after the killing. Belong to Greys. Don't recollect of seeing any that I knew except those who went to jail with me. I saw Williams, Sharp and Aldrich that day. Saw Williams and Aldrich about a minute before firing commenced. Saw Sharp but a short time before. Saw Aldrich on north-west corner of the square, and Williams at Morrison's office. Did not hear Aldrich or Williams say any thing when firing commenced. The Greys went to jail. Did not see Williams go to jail. I knew of no understanding that Smiths were to be killed. Don't know that the Greys halted on the route. It was but a short time after I heard the first gun until we were at the jail. The mob was then 300 yards off. It is 300 yards from the corner of the square to the jail. Aldrich was going east.

The first firing that I heard was when our company was called out. I called it out. Don't know where the officers were. I was Orderly Sergeant. Was on the square and saw some one on the court house. Don't know who or how many. Think there were more than one. We started as soon as we could get the company together after firing commenced. The persons were on the cupola. Can't say how long after firing commenced until we got off of square. Williams was standing on the corner with others. Heard him say nothing. Said nothing to me that day. Capt. Smith commanded his company. I saw Joe Smith fall from the window. We were then near the corner of lane, about half way from the court house to the jail. Don't know which way Williams went or that he went to jail at all. Don't know how long mob stayed after killing. Think they did not stay longer than two or three minutes. There was some firing after Smith fell. Did not see Williams after killing. Heard none of the defendants speak of it since. Don't know any of the men that were at the killing. Did not go out to the mob.

*William M. Daniels* sworn. On the day of the occurrence I was both in Carthage and Warsaw. Was at Warsaw in the morning. It was understood that the troops were to march that day, by the Governor's orders. I saw Col. Williams, Captains Davis, Aldrich and Grover, in Warsaw. I am not certain whether I did or did not see Sharp in Warsaw. The companies started in the morning; what time I cannot say. They marched to the Railroad and there halted. Disbanding orders were read by Col. Williams. Sharp made a speech to the troops, but no one else. He said something of the necessity of getting rid of the Mormons, but cannot recollect what. He spoke of the necessity of killing the Smiths, in order to get rid of the Mormons, and wanted the troops to march on through to Carthage. Wanted Capt. Davis to come, with his company. Davis said he would not do it; that if they wanted to go to Nauvoo, he would go with them, but as for going to Carthage, he would not. Davis said he would go home. They called him a damned coward, and said they would never elect him to any thing again. Did not hear Williams say any thing that I recollect—nor Aldrich; but Grover said if no one else would go, he would go alone, and started off. I came within about four miles of Carthage with them. A call was made at the Railroad Shantee for volunteers.

I understood the call was for volunteers to kill the Smiths. This was 10 or 12 miles from Warsaw—about noon. Some carried their arms, and some put them in the baggage wagons. Most of the men were on foot. Aldrich was on horseback—so was Sharp; Grover was on foot. Between 60 and 100 started in this way. There were two or three baggage wagons, perhaps more. I left them about four miles from here, where they had halted.



Aldrich left the troops and came into town first. Do not recollect seeing Williams after he left the Railroad, until I saw him in Carthage. Aldrich remained with me until we got within four miles of here, when he left. Did not see Sharp at all, after I left the Railroad. I saw Grover until we got within four miles of Carthage, where they turned off the road. The wagons kept straight on—the men turned up the hollow. I do not know whether Davis came back again with the baggage wagons. It is prairie where the troops turned off up a hollow, in the direction of a point of timber. I came on to Carthage; had no gun. I got here before the men sometime, but can not say how long. I do not recollect that I saw any of the Defendants till the mob came up. I went right to the jail; do not know who was there; spoke to no one. I went to the jail to see what they were going to do. Saw a guard at the jail; they were marching around the jail and did not speak to me. I knew that they knew as much about it as any body else. I understood from the men who were coming up, that the guard were to load their guns with blank cartridges. It was several minutes—between 5 and 15—after I got to the jail before the mob came up. There were two or three guns fired before they came. I do not know how far the mob was then from the jail. When the men came up, I think some of their faces were blackened a little with powder; their clothes were the same. I don't know how many were black. I stood 15 or 20 feet in front of the jail, outside of the yard. One spoke to me when they came up. They came up in single file, in front of the jail. I do not know how many got over the fence, nor how they carried their guns. I saw Joe Smith fall from the window; was then in the middle of the road, outside of the crowd. I think he was not shot before he fell, but do not know; nor how long after he fell, before they left him. I do not know how many guns were fired after he fell. Did not see Aldrich, Sharp or Davis there, but saw Grover. I saw him running towards the door that goes into the jail, before the killing, when they were first approaching the house. I saw Col. Williams there; he was not there when I first went; the first I saw of him, he was in the middle of the road. The Carthage Greys were this side of the jail. Williams was between them and the jail. I saw him before they had fired or had gone into the house. Saw Grover about the jail, armed with a double barreled shot-gun. Did not hear him say any thing at the jail. Williams said "Rush in, boys; there's no danger." He also hallooed to them to come round to that side, to the window, and told them to shoot the damned scoundrels. I did not see him after that. I went that night to Mr. Scott's, on Bear creek, with two men on foot; do not know who they were. I saw Smith after I supposed he was dead; they had not all left; it was not many minutes before they left. It was done with much confusion. The men had

whiskey along, and had been drinking, and many of them were drunk.

I did not write the book that has my name to it; it was written by Lyman O. Littlefield. I told him the story many times, though I never wrote a book. I saw some of it before it was published, and some I never saw before. I saw a light—I suppose it will astonish some—a short light, right at the bodies. It is reported differently in the book. Possibly it might have been the reflection from the muskets. I was some excited. Was not a Mormon, but am now, live in Nauvoo, and am a cooper by trade; do not work at it now. I am from New York, am 24 years old, and have been in Illinois 7 or 8 years—in Kane county. My father and mother are dead. It was not long after the killing before the Greys got there. I left town immediately after the occurrence.

*Cross-Examined.*

I lived about 3 miles from Augusta, and had been there for a year. I went to Warsaw two or three days before the Smiths were killed. Was not doing any thing there, but wished to go to St. Louis. Boats had passed in the mean time, but I did not go. The Ohio, on which I wished to go, did not come up; and I thought I would stay and see what was going on in Warsaw. If I had staid longer, I should have coopered some. I joined Capt. Davis' company on the morning of the murder, and was furnished with a yager without bayonet. I dont know who I reported myself to; had seen Capt. Davis several times; do not know who gave me the gun. I knew before of the intention to murder the Smith's; the night before I heard the officers talk about it—viz: Grover, Aldrich, Davis and Williams. All said something, the substance of which was, that they were to send 20 men to kill the Smiths. There were others present; this was on parade ground. Do not know how many were present, but near half a dozen, by themselves. I was there. I had started for Quincy and returned, came up behind some, and facing others. I had seen them before. I had no business there. This was in the evening, before dark; they were in a ring on the open ground, and I came right up. They picked the 20 men from Davis and Grover's companies. I recollect two men by the name of Stephens, no others; some refused to go. I was not called on. I joined them that I might go and tell Gov. Ford, with whom I was acquainted. Do not think they would have let me go alone. No one had prevented me from leaving Warsaw before, when I started to Quincy. They put me under guard that night, and told the men to keep me there, and let no one pass. After the council got through, they turned and talked with me; I do not know who talked with me. Nothing was said to me about killing the Smiths. They put me under guard right off. No one else to my knowledge was put under guard; do not know how many were guarding me. Cannot



say whether there was fifty, or how many; men were up at the door of the tent, both behind and before.

There are statements in the pamphlet, which I gave to Littlefield. There are a good many facts in it. I do not know of any fact in it that I did not give him. I forget what is in it. Littlefield went to Quincy to get the old manuscript published, and I went with him. The facts are the same as in the manuscript. I came to Carthage from the Railroad Shantee, where the troops were disbanded. I did authorize the advertisement for the sale of the pamphlets in the Nauvoo Neighbor. Judge Phelps wrote it; I never saw it till it came out. The facts are as near as I can relate, except as to the light. The troops were disbanded at the Railroad Shantee by Col. Williams, and volunteers were called for to come to Carthage to kill the Smiths. I do not know how far this was from Warsaw—it was about noon. Cannot tell what time, but pretty early, when the 20 men were picked; but a short time before we left. After they heard the Governor had disbanded the troops, they called back the 20 men. They sent a man with a white horse to call them back. I do not know who he was, or whether he returned. I think the 20 men met them at the Railroad, but am not certain. We waited till they returned and eat dinner. The 20 men made no report that I heard. They were talking—some said they knew what they went for, and others not. I joined the company in the morning; had not been discharged. Had been permitted to go out of the tents, but not to cross the lines; I was a prisoner when I joined the company. Sharp was on horseback at the crossings; I did not see him or Aldrich after I left the crossings, nor Williams till I saw him at the jail. There was one speech made by Sharp, I heard no other; he sat on his horse when he spoke. [Here Mr. Browning read the following passage from the Pamphlet published by Daniels, which is mentioned above:—"My fellow citizens! improve the opportunity that offers; lest the opportunity pass, and the despotic Prophet will never again be in your power. All things are understood, we must hasten to Carthage and murder the Smiths while the Governor is absent at Nauvoo. Beard the Lions in their den. The news will reach Nauvoo before the Governor leaves. This will so enrage the Mormons, that they will fall upon and murder Tom Ford, and we shall then be rid of the d——d little Governor and the Mormons too." Daniels continued:—] He spoke of the necessity of killing the Smith's, or I took it in that sense. I understood him to advise killing the Smiths; Littlefield put in the filling of the printed speech. Sharp said he knew Ford would be in Nauvoo, and that they would kill him. As near as I can recollect, he said, that if they killed the Smiths, it would so enrage the Mormons that they would kill Ford, and we would get rid of both Mormons and the Governor too. Do not recollect that he swore, or used

any profane language; neither did I hear him say, "beard the lion in his den." That is some of Littlefield's filling up. The troops cheered Sharp when he was done speaking. There was likely to be a failure, until Capt. Grover said he would come alone; 60, 70, 80, or a little over came; I run them over at the jail, and think there was 84. After the troops were disbanded I was at liberty, and came within 4 miles of the jail with them. Aldrich left about 4 miles from here, and came on; did not see him start; do not know whether any one came with him; that was the last I saw of him. Did not see him leave—cannot say that he came to Carthage; do not know whether he left. Know he did not come with me. Did not see Williams, that I recollect of, after he left the crossings, till I saw him in Carthage. At the 4 mile place, a man with a Carthage Grey coat, met us and had communication with Aldrich. He gave him a line, which Aldrich first read to himself, and then told the contents; he looked in the paper and read it off. The note was pretty much as published. Do not know but I have made an affidavit embodying the statement that Col. Williams came back two or three times after I left the crossings. Think I saw Williams where we stopped to get a drink of milk. I did not come alone to Carthage—there were some others along whom I do not know. Two of them went straight to a house in town. We had no conversation on the way. The troops suffered me to leave quietly, without offering to put me under guard. Do not know that I said any thing at the crossings about going to Carthage. I had no gun; had put it in the wagon. Do not know whether any one knew I was opposed to killing the Smiths. Said as I was coming along, that if the Augusta troops were there it would not be so. Did not try to persuade them not to do it, neither did I try to prevent it; because I thought the Carthage people knew all about it, from that letter. Did not try to get here first, or to prevent it. I supposed from the 20 men being appointed, that the Greys knew all about it—at that time I understood the Greys were in the plot. When I got to Carthage, I went directly to the jail, where I stood outside of the fence, about the middle of the road, at first about in front. I saw a guard there, inside of the enclosure. Do not know how long the troops were at the jail, there was much confusion, and I was agitated; should think about 15 minutes, though cannot say for certain. There was a scuffle with the guard; they clinched and held them. I think the guard fired. I kept in front of jail till called to the window, and did not go inside of the enclosure at all. A person could not get into the jail without getting inside of the enclosure. It is 6, 8, or 10 feet from the fence to the jail—perhaps a little further. I stood about the middle of the road, but was up to the fence once near the corner, though I was then nearly as far from the jail door, as when in the middle of the road. I saw one

or two—two of the troops around, and think I saw three—no more. I had seen one of them before, by the name of Wills. Did not know the others then, and only know them now by hearsay. One of them said that when Wills came out into the street, his arm was all shot to pieces. I never saw them since, and did not see the wounds then, but saw blood running from his arm. Did not examine any, but understood some one was hurt on the face, and one in the shoulder, and heard one man say he was wounded, as he came into the street. [Here Mr. Browning read from the Pamphlet as follows:—“Mr Wills was about the first that rushed up the stairs, who soon returned wounded, stated that he pushed the door partly open and fired into the jail. He was asked if he was badly hurt; he replied, ‘yes, my arm is shot all to pieces by old Joe; but I don’t care, I’ve got revenge, I shot Hyrum!’” Daniels then continued:]—He said he was the first man who shot through the door. Littlefield has been making some more filling. The call to the window was after this, I think. I then walked right up the street to Col. Williams. The wounded man turned and went away, and I saw the other two by the fence; do not know how they got away, but I suppose Wills went off on foot. Think the man who was wounded in the shoulder was the one who shot Smith—I saw him do it. This was Voorhes. He held his gun in both hands. His sister told me it was him.

I saw Smith when he fell from the window. He did not jump, but fell. I saw him hanging by his hands and feet, his body out, a little time. I think his head was north and his feet south. The troops were south east. No one fired, I believe, while he was hanging. Col. Williams told them to shoot. He (Smith) fell on his back, and turned over on his face. I think he was not then hurt. One man rushed at him, picked him up, set him up and held him, and said “Old Joe, I know you!” I thought he had fainted. Smith said nothing while on the ground. Before that he said “Oh Lord!” While he hung in the window it was pretty quiet. After this man set him up, they shot him. He set him up on the south side of the well curb, and then stepped away from him. The men who shot him stood in a south-easterly direction, not facing him. Three or four shot at him, I think four. They stood at the fence, probably 10 or 12 feet off. They fired pretty much at the same time. [Here Mr. Browning read again from the Pamphlet, the following: “His eyes rested on them with an expression of calm, quiet resignation, while they took deadly aim. He gave a slight twinge of his body, as the ball struck him, and fell upon his face, his body stretched to the east and west.” Daniels proceeded:] I don’t know whether Smith had his eyes open. I did not see any signs of pain, nor any signs of recovery. I did not tell Littlefield about his eyes being open and bearing a calm

expression. Voorhes shot at him. I saw the light a short time after Smith was shot—say a minute or half a minute. It looked like a flash—right there at the moment, and right away again—at one side of the body. No one went to him after he was shot. [Here the Defendants Counsel read from the Pamphlet the following passage:—“After the breath had left his body, the person I have previously described, who had passed as the son of Governor Boggs, “[and who is elsewhere described in the pamphlet as carrying a pew-ter flute,] caught up a bowie knife, for the purpose of cutting off “his head. The knife was raised ready to strike, when a light, so “strange, so bright and sudden, flashed between him and the corpse, “that he and the four men who had shot him, were struck with terror “and consternation. Their muskets fell from their hands, and they “stood like marble; not having power to move a single limb. They “were about to be left, when Col. Williams, who had also beheld and “been terrified at the light, shouted out to the men, ‘For God’s sake, “come and carry away these men!’ They were obliged to carry “them away—as they were as helpless as though they were dead. “This light was something like a flash of lightning; and was so much “brighter than the day, that after it had passed it left a slight dark- “ness like a twilight.” Daniels proceeded:] The *Pewter flute* man went to him, or tried to—the light I suppose stopped him. I saw no bowie knife. I do not know how Smith looked, and did not see him more again. I told Littlefield of the mistakes, but was willing to pocket the money. Some of the statements I never saw till after the book was published. Col. Williams told them that if they did not run, the Greys would be upon them; he then said—“For God’s sake, come back and take these men off.” Some came back and took them off—no mistake about this. I went that night to Mr. Larkin Scott’s. Had seen Mr. Scott several times before. I commenced conversation that night with Mr. S. about the affair, and he told me he did not wish to know about it. Did not tell Scott that I had assisted in killing the Smiths. I went home the next day, to where I resided near Augusta. I went to bed and to sleep; no one slept with me that I know of. I have told no one that I assisted in holding the guard while the Smith’s were killed. Next night staid at home. I had no conversation about the killing of the Smiths while at Scott’s, except that mentioned before. Smith never appeared to me and gave me a cup of water—I dreamed that he did. I staid in Augusta some days. Think I got to Quincy about the 6th of July, and have lived there until within 6 or 8 weeks past. I know Thomas English, and have hunted with him in the bottom opposite to Quincy. While coming home had some conversation about this affair. I told him I could probably get \$500 for attending this trial, but did not tell him \$500 had been offered me to do so, or to disclose the murderers. A man by the name of Southwick said I was a fool for

giving my affidavit—that I could make four or five hundred dollars out of it—and said he would give me \$450 for my chance. I have since been offered \$500 to go away. Mr. Conyers told me if he was in my situation he would go away; that the mobocrats would kill me. I never told Tom English that I would get \$500 for appearing, but that I probably could. Think I knew George McLane and George Seabold. I never told them that I was to get any thing for swearing in this case. Think I may have talked with them about it. Don't know that I ever told them that I did not know who killed the Smiths. Think I never did. Have been offered \$2,500 not to appear, when I lived in Quincy, but don't know by whom. Do not know that I have ever seen the men before or since. Think it was before the last term of Court, by two men, on Third street, below Jersey. They asked my name, were young men of moderate size, between five and six feet high. I do not know whether they were of the same size. Was not in conversation with them more than a minute. They asked me who I was. I told them, and they then told me their business, and showed me some money. They told me they would give me \$1,500 in cash, and \$1,000 in land in New York, if I would not appear at Court. Cannot say what time of day it was. Thought of it some, but it did not worry me. Thought it was a good deal of money to offer a man. Do not know how they were dressed—was not very cold weather. Do not know whether they wore hats or caps. I wheeled round and left them—went off. Gave them to understand I would not take it. I talked with them, and faced them after I passed them. When I was going off, they showed me more money. It looked like silver—they had a handfull of it. I said nothing to them then. I then lived at the corner of Third and Jersey streets, west of Third, north of Jersey. They met me by York. The women told me they had been to my house and enquired for me. I told it to our folks right off, and to Mr. Rice and Mr. Haywood before I came to Court. I did not ask the men where they came from, or their names; and did not notice which way they went; did not look after them. I joined the Mormon Church not long before last Court. Think I have seen Mr. Mellen before. Never said it was Mellen, or that he was about the size of Mellen—might have said it was Mellen, or that he was about the size of Mellen. Do not know whether I did or did not tell English that I had written a book out of which I was to make money. The flash looked like lightning. Don't know what time it was, perhaps 4 or 5 o'clock. It was the shady side of the house. I have not followed my trade in Nauvoo; am doing nothing of consequence there. There is a painting there, representing the killing of the Smiths, which I have exhibited. If they asked me I told them the light was wrong. The picture belongs to Dibble.

*John Wilson sworn.* Was in Carthage the day the Smiths

were killed until after dinner, and then was sent off on the Nauvoo road with the Ranging company. Was at H. T. Wilson's store a few moments. After dinner was at Wilson's store and lay on the counter for about an hour. Stepped into the street and was called by Thomas Morrison to get on his horse and go in his place. I asked him where to. He said Captain Barnes will tell you. I got on his horse and started. Doctors Morrison and Barnes were with me. I understood that Dr. Barnes was captain of the Rangers that went out every day. He is now in court. We went about four miles. I saw no person but a son of Mr. Catlin's going on a lope to Nauvoo. We were on a mound. Our horses feeding. Don't know what we went out for. Saw no company of men. Young Catlin belonged to captain Dunn's company. None of my company left me. Was gone from 3 to 4 hours. Did not get back until Smiths were killed. Met David Bettisworth and a Mormon, Grant, 3 miles from town going to Nauvoo with the news of the death of Smiths. While on the mound saw some men in the direction of Warsaw road coming towards Carthage. Was then three or four miles off. I begged to get off, but could not. Think there was more than fifty, some on horseback. Saw no wagons. Saw a carriage pass the men and come this way till timber hid them. Didn't know what this meant. Supposed they were coming to town to hear the news about the Hell hounds. I mean by Hell hounds the Mormons. I did then and still want the Mormons exterminated. Don't know what others want. Heard nothing of the killing of Smiths or of the Governor. Did not know what the object in going out was, but to see if suspicious characters were driving stock to Nauvoo. Knew of no conspiracy to kill Smiths. Never heard Defendants make any admissions. If they had I would not have heard it. Saw some of the Defendants that day. Started back from mound when we saw Catlin. I understood that he had a communication from Capt. Smith for the Governor. Drs. Morrison and Barnes rode up to him. I heard but little of their conversation until he tried to get Morrison to go to Nauvoo with him. He appeared frightened. I then said to him that he was a young lad and I had no idea they would interrupt him. The Governor is there—go on. Never had a word with any of the Defendants about the matter. Think I saw some men, don't know how many, going back. Paid no attention, think about 20. It was a common thing for men, in large numbers, to come from Warsaw and dine at my house. I was very much astonished and horror-struck when I heard of the death of the Smiths, for a few moments. Heard no threats to kill the Smith's, except from some drunken loafers, in whom I had no confidence. They were from McDonough county. Knew nothing about guard at the jail.

*Thomas L. Barnes* sworn. I was Captain of a company of Rangers during the excitement last June. It was not a Regular



Company. Had a commission from Gen. Deming to raise a company of 20 or 30 men to range as spies and ride as expresses. Don't recollect of seeing Sharp on the morning of the 27th June, or of any arrangement between the Greys and the mob, nor of any arrangement to kill Smiths. Think I left here about 3 P. M. that day. Think Sharp and Williams, perhaps Aldrich but not Davis and Grover were in town. Saw Williams certain. None of the Defendants spoke of our going out to keep guard. It was mentioned that there had better be a guard by some one, as Mormons were expected that night to rescue Smiths. I went out, taking three men to see if I could observe any thing unusual. Certain I saw Williams and Sharp before I left. Went on my own responsibility. Our company sent no express to mob. I sent no express. The first intimation I had of an express was from G. T. M. Davis' pamphlet, last summer. I entered into no conspiracy before the killing of the Smiths. I saw three groups of men coming on the Warsaw road, while on the mound. Know that pledges were made; but not to my knowledge by any of Defendants. Were made by companies stationed here. When we saw the men we were grazing our horses on the prairie. Shortly after we went to Carthage slowly. Supposed the men were on the Warsaw road. We were north of the Nauvoo road. The groups appeared to be distinct, a half mile or a mile apart. I only saw the men for a few minutes. Should judge most of them were afoot, 3 or 4 miles from here. The Smiths were killed before we got back. I had a pain in my side and came slow. The company was coming rapidly. I got the first information that the Smiths were killed from Bettisworth and Grant at the corner of Fule's farm, two or two and a half miles from here. Came no faster after hearing intelligence. Never heard that Smiths were to be killed that evening, nor did I know that Warsaw companies were coming. I had no *intimation* that the Smiths were to be killed. I think I have told all I know up to the killing. Never heard any of the Defendants say that they had any hand in the killing. Saw none of the Defendants on my return. Think I saw Williams on north side of the square before I went out. Did not see him talk with Captain Smith or Doctor Morrison or any one else. Don't recollect of talking with him myself. The Carthage Greys were encamped on the square.

*Cross Examined.* The rangers had guarded the prairies every day—sometimes in the morning and sometimes in the evening—it was a daily and almost hourly occurrence seeing men come to town in groups; but not so large. Once saw 200 or 300. Never saw at other times over ten or a dozen. Did not know what they were coming for.

*Eli D. Walker* sworn. Was at Warsaw, Railroad Shantee and at home on the day the Smiths were killed. At Warsaw in the

morning. Left with companies for Golden's Point as I understood. Think I saw some of the Defendants at Warsaw. Can't say that saw all. Came to Railroad Shantees with captain Crawford's company. Think the troops were disbanded—think colonel Williams read the order. Cannot tell what I did hear—cannot recollect half. There was a call for volunteers—don't know by whom—was in bad health that day—not certain that I saw Grover—saw Sharp and Davis. Don't recollect of Sharp's making a speech. Can't say that the company of volunteers started this way. They were shooting at a mark when I left. Have no recollection of hearing the object of volunteers. Heard some one speak of going to Carthage. Spoken of by different persons. Heard some dispute about going. Heard Davis say something about all those in favor of going to Warsaw to take dinner at tavern. Don't know the cause of dispute. Some in favor of going to Carthage and some not. Something said about Smiths and about blowing the jail to Hell by some individual—don't know by whom. Returned because the lawful authority had ceased and I wished to go home. Heard a good deal—can't say what—don't like to say unless I am certain—think heard Williams say something about volunteers; but can't say what. Don't recollect who he was talking with. Heard nothing of the kind from Sharp or Aldrich. Think I saw Sharp on horseback. Don't know the time of day—between 10 and 3 o'clock. Think Williams was on horseback. Don't recollect of seeing Aldrich and Grover at all. The last place I saw Davis he was alone on the prairie, near Marsh's going towards Warsaw. Can't recollect what sort of a horse Williams rode. Think the volunteering was spoken of publicly by several. It was said publicly by colonel Williams or captain Ware—think to the import that those who would go to Carthage should advance to the front. Some advanced. Don't know what else was said. Think Williams was on horseback. The companies were called into line and those who would go to Carthage called to front. Col. Williams was from 10 to 100 feet off. Several with him. Sharp was not with him. Don't know where he then was. The officer who gave the command was in front. The Captain and Williams were both in front. Don't know whether the Captain or Williams gave the command. There were between 40 and 200 present. One company had stopped at the Railroad. Capt. Ware's and Crawford's companies were there, only, and I think they were in single file. Can't say whether Col. Williams or Gen. Knox was in command. Think Knox was there. After advancing, there was an observation made by some one, that those who would go to Carthage should fall in behind the music, which was done. Don't know whether Williams was there then. I started for home. The last I saw of them they were shooting at a mark. Don't know who spoke of blowing the jail to Hell. Can't

say that I heard any one speak of killing Smiths. They cursed the Mormons some. It was an officer that called for volunteers—don't know who. Heard no opposition to going to Carthage from Williams. Can't say whether saw Sharp more than once. Think he was then on horseback. Don't know how many volunteered.

*Thomas Dixon* sworn. Was in Carthage the day the Smiths were killed—not all day. Came in at 10 or 11 o'clock. Know Sharp, Aldrich, Williams and Davis by sight. Don't know Grover. Saw Sharp and Williams that day. Saw Sharp about 11 o'clock that day laying on a table in an office on the west side of the square. Heard of no arrangement to kill the Smiths. Was at the jail when Smiths were killed—was between 10 and 20 feet from south-east corner of jail—was there before firing commenced. Had started home; saw some men about one and a half miles off west on the prairie. Saw their guns glisten and went back to see what it meant. Saw some persons pretty near the jail. Left my horse at Hamilton's and run on up. Met some young fellows who said Mormons are coming to rescue the prisoners, and I hurried my pace and got there a little first. The guards shot and there was a scuffle between guard and mob. Saw no dead or wounded; but the one (Smith.) They scuffled until they got the guard down; this scuffling lasted until after the death of Smiths. Don't know whether any were hurt but one man shot in the arm. The firing called my attention to room above. Don't know who it was that was wounded in the arm. Think some must have been hurt in the scuffle. Saw some go in jail with guns. Don't know any of them. A half dozen might have gone in. Have lived in county 10 or 11 years. Know a good many of the people. Saw Greys opposite to the jail—was there some time in advance of them—say five or ten minutes. The first I saw of the Greys they were within 20 steps of the jail. The mob had then gone 100 yards off. I was half a mile east of town when I first saw mob coming. From that time till I got to jail was 10 or 15 minutes. Did not mention what I saw to any one. Saw Col. Williams north-west of court house as I passed. He was not with Greys. Don't know who was with him. I went right on to jail and got there a second or two before firing commenced. Saw none of the Defendants but Williams on the square. Saw no one on the court house. Shook hands with Williams—said nothing to him of what I had seen. Asked him the news and ran on. Saw no men at jail that I knew till after Smith's were killed, except the guard. Saw no black faces. There were 20 or 30 at the jail, perhaps not so many. Did not count them. Think not more than 20 or 25. Saw some persons standing at a distance from jail. The mob went from jail, right west—north of Warsaw road. The fence back of jail runs west. They did not go through lane I think. Made no halt myself when I got back to town. Went on home to La Harpe.

When I first saw Greys they were marching up in platoons. Captain Smith in front. After killing the Smiths they marched immediately back.

*Cross Examined.*

I saw Smith fall from window. He had been shot or hurt—there was no blood on his pants. I did not see him set up by well curb. He set himself up. Did not see any strange miraculous light, or four men shoot Smith, or any one paralyzed. He raised himself up and died immediately. I saw no one have hold of him. I could see distinctly. He fell within ten feet of me. He hung in window but a short time. Did not see him lying out of window as described by Daniels. He did not stop in window; but fell right out. Did not see Capt. Smith until all was over. He was then 20 feet off. Would have seen him if he had been there. Think I would have seen the light—was watching closely till he died. Would have seen the four men paralyzed if it had been so I am confident.

*By Prosecuting Attorney.* I had no knowledge or intimation of a conspiracy. I saw the light reflected from guns a mile and a half off. Did not know or think the men were going to kill the Smiths. I had heard that a mob were coming to rescue the prisoners, and I supposed the men were Mormons when I first saw them coming. I was not armed. Smith turned over and fell on his left side. No person went to jail with me. I saw no rush from town until all was over.

*Eliza Jane Graham sworn.* I was at the Warsaw House, kept by Mr. Fleming, the night the Smiths were killed. Mr. F. was at the time in Boston, Mass. Adeline Garoute, Ashbel Genung and Mrs. Fleming were at the house and several others. Mr. Sharp came into the hall before it was quite dark, and asked aunt Fleming for a drink of water. Said he was very tired. Had come from Carthage in less than an hour, and said, We have finished the leading men of the Mormon Church. He came in a carriage. Said nothing more at that time. About 12 o'clock at night Mr. Davis and Grover came with companies. Mr. Key said they wanted supper for about 20 men. We got supper. The men came in a few minutes. Ten or fifteen minutes afterwards the order was renewed for 20 more. Mrs. Dearborn, Mrs. Fleming and myself got supper for them. There were about 60 in all. I saw two wounded men—one wounded in the face and the other in the arm. Mr. Grover brought the one that was wounded in the arm into the kitchen and asked permission of aunt to let him set by kitchen stove. Did not see any thing drank. Did not see Major Aldrich, or see him that I know of. Did not see Mr. Sharp after that. Did not know Colonel Williams. I know a good many of the people about Warsaw. While at supper some one said he had killed old Joe, and

another said no, he had killed him. Davis said they had finished the men. Grover said he had killed old Joe. I saw no arms. After that, part of the men stood guard and part went to bed. Do not know what time they left next morning. Was not as many at breakfast as at supper. Grover and Davis boarded there and were at breakfast. The family were all up when they came. Mr. Davis and Grover were not there before the late supper. Grover and Davis were at door when Mr. Key called for supper. The wounded man sat by the stove about an hour. His name was William Voorhes. I knew him. His parents lived on Bear creek and I had seen him before. Did not know how Voorhes got wounded. Heard no talk about it in the morning. Don't know how many were on guard that night. They got to bed about 2 o'clock. It was general talk amongst the crowd that they had been killing the Smiths. I saw Mr. Sharp next day a short time before night. It was not quite dark when Sharp came into the hall and said he was just from Carthage, &c. Never saw Voorhes afterward. Mr. Gregg was in the carriage with Sharp. Mrs. Dearborn came after supper was partly ready and helped. One of the persons wounded was a lad 14 or 15 years old unknown to me. I have never seen him since. Davis said, We have finished the men. Grover said the same. They were all rejoicing. Did not hear any thing else.

*Cross Examined.*

I saw Mr. Sharp when he drove up in a two horse carriage with James Gregg. It was an open carriage, had two seats. There were no others with them. Mr. Sharp did not board at Fleming's. He staid but a few minutes. Fleming's house is on the brow of the hill. Sharp lived in part of Rockwell's house, further from the river, nearly opposite. He did not stop at home. Heard no news from Carthage before he came in. I was at dining room door and Mrs. Fleming in the hall. Sharp saw, but did not speak to me. Neither Mrs. F. nor myself asked any questions. I had heard Mr. Sharp make threats to kill the Smiths and drive the Mormons the day they were killed. I heard him in the bar room and street. He in one room and I in the other. Don't know who he was talking to. He was at Fleming's that morning. Made threats after breakfast. Saw him start for Golden's Point in a carriage alone. Said after he got in the carriage he would kill Joe Smith. It is about 18 miles from Warsaw to Carthage. Don't know how the roads were. There had been much rain about that time. I am positive it was the same day the Smiths were killed that Sharp started for Golden's Point and returned that evening in the same carriage. Grover and Davis came about midnight. Had heard nothing more about killing Smiths from time Sharp came until they arrived. Saw Grover that morning at breakfast; but did not see him after breakfast until midnight. Also saw Davis there at breakfast and did not see him

again until midnight. Davis said, We have finished the leading men. Grover said he had killed old Joe. They were all passing backward and forward through the dining room. Mrs. Fleming was there at the time. We had not been to bed; but were not waiting for return of the men. I did not go to bed till 4 o'clock. Grover and Davis went into dining room and staid perhaps 15 minutes. I was not there all the time. Was in the kitchen that adjoins dining room part of the time. Don't know how many came with Davis and Grover. I suppose that most of the men who came with Davis and Grover belonged to Warsaw; but can't name any one who went into the room with them. The company were talking about the death of the Smiths. I set the table while aunt worked. Don't know why my attention was attracted to Davis and Grover. Asbel Genung was there when Davis and Grover came. Soon after he went out on guard. Don't know which arm Voorhes was wounded in. He sat in the kitchen with a blanket around him. There was no physician there that I know of to see him. Grover said that he was wounded in the shoulder. I am *certain* that Grover eat breakfast at Fleming's that morning. Grover and Davis both staid at Fleming's the night before Smiths were killed and took breakfast there that morning. Davis and Grover were in the bar room when I went to bed at 4 o'clock in the morning. Do not know how many I heard say they had killed the Smiths; perhaps half of them said so. Grover is the only one I recollect. I saw no arms at all. I do not know how they came; there were but few at regular supper that night. We took supper before Sharp came. I am *certain* that Davis was at breakfast, and not at regular supper. Davis said, "We have finished the men;" do not know who he was addressing. I did not hear Davis say that he had not been to Carthage. I did not enquire whether the Smiths were dead; did not suppose any one else was dead. There were two leading men then, Joseph and Hyrum Smith; I suppose they were part of the council. I don't know the third man in the council; know he is not a leading man. They have 12 leaders now. Cannot say whether it was a moonlight or a dark night, or whether there was any light in the hall when Grover and Davis came in. The lad was wounded on one cheek, don't know which one. There was no blood. I heard him say he was wounded, but did not say how, or by whom. There was a patch on his cheek. I do not know whether there were any troops from Adams county. I don't know that Capt. Pollard was there. There was no alarm at Mr. Fleming's that night, that I know of. I never called on Mr. Key for protection. The next night at dark, the stage driver came down from Nauvoo, and gave an alarm. I was not alarmed, and told aunt that the Mormons were not coming. I wanted to be with my friends, but was not afraid; I had no cause to be alarmed. Mrs. Fleming



went to Quincy on Friday night, and I went with her. Mr. Reynolds went to the boat (the Die Vernon) with us. We went because aunt was afraid; came back the next Tuesday. The Quincy troops came up on Friday afternoon on the steamboat Boreas. The Boreas and Die Vernon were both up that day. While at Quincy we boarded at Mrs. Dixon's. I said there that I did not know anything about killing the Smiths. I told my father about two weeks after in Warsaw, all I knew about it. Adeline and I both denied it in Quincy, because Charles Garoute intimated that we would be called as witnesses. I denied to Mrs. Fleming any knowledge of the act, but did not say to Messrs. Warren and Reynolds, or in their presence, that I knew nothing about it. Mr. Warren was boarding at Dixon's. I never talked of it in their presence. I told no person in Warsaw but my father. I did not tell it to be called as a witness, nor because I was afraid of being called as a witness. I never had a chance to deny it in Warsaw. I never mentioned the names of Davis and Grover but to one particular friend, besides my father; suppose that friend told it. There was no fire to make the stove hot, when the men came; Mr. Genung made the fire. We were about an hour getting supper. I had been living there almost a year. I went to Nauvoo about 6 weeks afterwards, and have been living there ever since. I am a member of the Mormon church, and have been about five years. Am not married. I do not know what sort of horses Sharp drove. Gregg did not come into the house. I told what Grover and Davis had said to Susan Ware. I never knew till last Wednesday that I was to be a witness, and never had any conversation about being one. Have conversed with Mr. Lamborn, but with no one before until last Wednesday. I have not had a great many conversations about this matter. Never saw Daniels till last Wednesday. My father resides in Nauvoo. I told my father in Warsaw, what I heard Grover and Davis say, and told him not to tell it; and I told Susan Ware about six weeks ago. The subject is not much talked of in Nauvoo. I do not know where Genung lives now; he and I never had any particular talk about it, and had no talk with him about Grover and Davis. I think no other families went down with us. I did not notice whether Sharp's horses were tired or sweaty. It was still dark when I went to bed. I got up first at daylight. I suppose I had been in bed about two hours—may be more, may be less, and did not sleep any. I have no personal acquaintance with Young, Taylor, Phelps, or Littlefield; but know Mr. Markham and Parley P. Pratt by sight; am not personally acquainted with any of the "Twelve," or the Mrs. Smiths.

*Benjamin Brackenbury* sworn. I was coming on the road between Warsaw and Carthage, on the day the Smiths were killed. I had left Warsaw that morning near 9 o'clock with the troops, understood they were going to Nauvoo. I drove a baggage wagon.

belonging to Mr. Fuller of Warsaw, since dead. I believe the wagon belonged to Davis' company. Davis, Grover, and some one else, had companies—there were three. We got to the Railroad crossings between 11 and 12 o'clock; stopped and eat dinner. I knew Col. Williams, and saw him at the Railroad, also saw Aldrich, Sharp, Grover and Davis there. Williams read an order to disband the troops, after dinner. I heard none of the Defendants make a speech. Williams was on a sorrel mare when he disbanded the troops. Sharp and Aldrich were on horseback, Davis and Grover on foot. I heard no speeches.

I heard Grover call for volunteers to go to Carthage to see the Governor, to know what he dismissed the troops for, with public arms in their hands. Nothing was said about Joe or Hyrum Smith. Fuller was there, but went back. Some went back and some came on. They started off pretty soon after dinner. I do not recollect of seeing any of the Defendants but Grover, till we got half way here. Then I saw Aldrich and Sharp, but did not see Davis. When I got within a quarter of a mile of the jail, Davis and some more came up to us in Calvin Cole's wagon. Four or five miles from here, where a division was made, I saw all the Defendants but Davis. Some of the troops went to the left; I kept right on the road—they went up a hollow. I came to within a quarter of a mile of the jail, and was there when the Smiths were killed. There was one more wagon belonging to Fuller, driven by Houghton. Davis overtook us in Cole's wagon, but I do not know who was with him. Cole lives in Warsaw. I do not know what they said. I saw Mr. Grover come back on foot. He rode some of the way with me. Grover said he had killed Smith—that he was a damned stout man—that he had struck him twice in the face. He also said that he was the first man in the house. When they returned from the jail I saw no more of the men. After we got started, say half or three quarters of a mile, I saw Williams, Aldrich and Sharp pass us on horseback. Do not recollect any two horse buggy. Some others were in the wagon when Grover was speaking of it. Wills was shot in the arm; Voorhes in the shoulder. Grover said they were going to see what the Governor had discharged them for. When we met a Carthage Grey, a man by the name of Burton, said they were going to take Joe Smith to Missouri and hang him. The Carthage Grey brought a letter, and Mr. Aldrich read it. Mr. Grover gave orders for the teams not to go together, but to string along. I do not know whether there was any team ahead of me or not. The troops came from the jail on a run. A couple of young Chittendens told the teams to go back. I went back to Warsaw, to Mr. Fuller's, that night, where I reached about 12 o'clock. Some of the footmen were ahead, and some behind. Grover left me on foot, and went on a horse. I do not know where the men got supper. I

did not go by the Warsaw House, but left my wagon by Mr. Gould's store. Saw 20 or 30 men about the Warsaw House, but did not go in. I do not recollect seeing any of these men after I got back. Never saw them after they passed me, a short distance from Carthage. Do not know Key; know Gregg who did live in Warsaw, and saw him come out here that day. He was the first who brought the news to me that the Smith's were killed. Heard none of the Defendants speak of the Carthage Greys, or of any conspiracy. I heard none but Grover speak of the object in coming out; was within about a rod of his company at the crossings. I do not know of any call for volunteers to kill the Smiths. When the men left the wagons they went to the left. I saw them come out of the timber and go to the jail; heard no man say he was going to kill Smith.

*Cross Examined.*

Sharp, Williams and Aldrich were all on horseback; Williams on a sorrel mare. They were all on horseback when they passed me, on their return to Warsaw. I think they passed me, if my eyes did not deceive me. They were in sight of each other, but a few rods apart. I do not know which was ahead, or whether they stopped and talked. Grover was then in my wagon; but I do not know whether they spoke to him or not. They passed me about a mile from Carthage. At the Railroad Grover said, "All that follow me, come on!" and said he had given bond and security for the arms, and was responsible for them. Said nothing about killing the Smiths, that I heard. Was going to see what to do about the arms. Aldrich read the note from the Grey; I was 50 yards off, and did not hear what was in it. The first I saw of the Grey Aldrich was reading the letter. I think Grover went up. I never stated before the Grand Jury that a Carthage Grey had met the troops, and took Henry Stephens and Col. Williams one side. The Grey did say the Governor had gone to Nauvoo, and there was no one in Carthage that cannot be depended upon. He was talking to the men there with him; I was about 50 yards distant; recollect nothing Aldrich said, and heard no reply to the Grey. I do not know who he was, but was a middling sized man, stouter than I am; probably 30 years old, and don't think I would know him again. Never saw him before or since; do not know whether he wore a hat, cap, or plume. Think he had on a short grey coat, with skirts; but do not know what sort of pants, nor do I know how the Carthage Greys are uniformed. Do not know that he was a Grey, but was told so. He was not talking very loud when I heard him, but heard him say, "The Governor has gone to Nauvoo, and there is no body in Carthage that you cannot depend upon, and now is the time to rush on." I do not recollect who told me he was a Grey. Aldrich had feathers in his cap. Grover was there. I saw the Grey start this way, but forget whether he was alone or not, nor do I know what sort of a horse

ne was on. Don't know that I ever said he rode an iron-grey poney. Had been drinking so I felt nice. I saw all the Defendants except Davis where we met the Grey. All the company left the road, but the baggage wagons and six or eight persons. They were as near to me at the jail as any where else; I was nearer a quarter than a half mile from jail. Grover left the company that went to the jail, and when he came up he said he had lost his gun—a double-barreled shot gun—and went back to look for it; and a man held it up. I did not tell the Grand Jury that I saw Col. Williams at the jail on his horse all the time, nor that Col Williams came riding up from the jail, and passed right by me. Don't know Gregg's first name. Do not think I told the Grand Jury his name was James Gregg. He was on horseback alone and rode on to Warsaw. I did not see him again that evening. I do not know how long, but perhaps it was about one-half or three-fourths of an hour after Gregg passed, before Sharp, Williams and Aldrich passed. I do not recollect that Sharp said any thing as he passed. Do not think I said before the Grand Jury that Sharp said the Smiths were dead for he had hold of them, or that I could not be mistaken about seeing Col. Williams at the jail. Grover had on a cap with feathers in it, but don't know how many; think he wore them in front; they were black. Aldrich also had feathers—black I believe; had them on the last time I saw him, also when he met the Carthage Grey. The wagon was standing still, cross-wise, when Grover came up, but do not know who was the first to get in it. The Chittendens came up and told me to throw my baggage out, and got in, I think, before Grover. Voorhes did not get into my wagon; Wills did, but don't know about Gallaher. I saw Voorhes somewhere on the road on foot. Did not see Gallaher till we got to Warsaw. I do not know how many got into my wagon, but should say 5 or 6. The two Chittendens, Grover, and Wills were among them. Do not think I stated before the Grand Jury that Voorhes and Gallaher got into my wagon. I saw Gallaher on Main street the next day, but do not think I saw him that night. Grover told me, as we came on in the wagon, that he was the first man in the jail, and that Joe hit him twice in the face; said Joe was armed with a pistol; but did not say why Joe did not shoot, or what he did with the pistol. Said something about his being armed; said he was the first person he ever saw in jail, armed. Think he said pistols and arms both. I think Grover had no sword, but do not know, and forget whether any of the officers had swords. My recollection of the events of that day is not very distinct. Recollect I felt very nice. I forget whether I have said that Grover said he had got revenge by pitching Joe out of the window. I did not hear him say anything about pitching Joe out of the window. I was on the south-west side of the jail, and could not see the window Smith fell from. It was between 4 and 5 o'clock when we started back; I was driving a two horse team. It is called 18 miles to Warsaw. There was not far from 5 or 6 men in the wagon with Davis—think it was Cole's team. I think Robert Johnston was along. I do not think any of these persons had been with the troops, after they left the Railroad crossings. They went 2 or 3 miles by me and stopped, and I do not recollect whether they made any enquiries. They did not go to the jail; I think they were firing at the jail when Davis passed. I think about 50 came out of the woods and went to the jail. The first firing I heard was at the jail, and don't know of any firing along the fence. I did not hear any firing at all; but saw the smoke of the guns, on the outside of the jail. I saw no flash or light. The firing I saw was at the south end. Grover did not say how he got away from Smith. The wound was on Gallaher's cheek; he was a boy from 14 to 18. Grover did not ride with me more than 2 or 3 miles, and do not recollect seeing any thing more of him that night. I do not know who were with me when I got to Warsaw. Wills did not ride all

the way with me, and the Chittendens did not ride more than half a mile with me, and after that they took turns riding, and I had not more than 5 at a time. I live in Nauvoo; am not a Mormon; have no family. I live with Jabez Durfee, my step-father; he and my mother are members of the Church. I follow loafing, and have, the most of this winter. Have not worked enough to hurt me. I have lived in Nauvoo six years this spring. I commenced loafing a little before last Court. I know Daniels, but don't know what he follows. We have had some conversation about this case. Have told each other some things we know about it. Daniels told me about the light just before last Court; he said it was like a flash of lightning. We have told each other what we have seen. I am not acquainted with Miss Graham. Never saw her, that I recollect of, till last Friday. We have had some conversation about the case. I do not know who pays me for my attendance. Do not know who pays my board; I did not pay it last fall. I boarded then and now at Gen. Deming's, (the Sheriff's.) I have talked a good many times about this case; it was much talked of after I went home. Latter part of last summer I told what Grover had said. Esquire Woods of Burlington, called on me at the Nauvoo Mansion house, to have me tell. I never was applied to by any one else, and never made an affidavit of what I know of this matter. Never gave evidence only before the Grand Jury and on Elliott's trial at Nauvoo. The Smiths were killed on the 27th of June, 1844, on a clear day. It was not a moonlight night, I think. I never swore that Col. Williams went all the way from the Railroad with me. I saw the flashes of five guns and no more, at the jail. Do not recollect any guard, and do not know who the guns were fired by. I never said that Col. Williams gave the command to fire, at the jail. I was not near enough to see what was done. I have thought the people of Nauvoo did not treat me as well as they did Daniels, and have complained of it. I was 18 years old the 27th of last April. I believe Willa walked when he got out of my wagon; but do not know. I saw Voorhes on the road on foot. He went to the next wagon and got in. I do not think I am mistaken in the time. I never was offered or paid any thing for swearing. I have controlled my own movements and time.

*Canfield S. Hamilton* recalled. On the first examination I said that Sharp came up to Carthage with me on the day the Smiths were killed. I was mistaken; it was the day before, when Sharp was assisting in the prosecution of the Smiths. He was in Carthage late that afternoon, and I think staid all night. I think he was in Carthage early the next morning, and had a conversation with the Governor, when I think I saw him.

*F. A. Worrell* recalled. Saw Col. Williams that evening, before the killing of the Smiths—heard him say nothing about killing them. Saw Sharp that morning, about 8 A. M. Do not know of any Carthage Grey being sent out that day.

## DEFENCE.

*Wilham Smith*, of La Harpe, sworn. Was one of the Grand Jury at the last Term of the Court, when these bills of indictment were found. Benjamin Brackenbury, the same witness who testified yesterday in this case, was examined before them. He stated before the Grand Jury that Col. Williams was at the jail when the Smiths were killed, and that he rode a dark bay or sorrel horse, but thought it was a sorrel. Stated that he (Brackenbury) was driving a baggage wagon belonging to Fuller. Came up within a quarter or half a mile of the jail, and stopped, and that he saw Col. Williams at the jail on horseback. He was asked by some juror whether he was acquainted with Williams, and knew it to be him. He answered that he could not be mistaken—that it was Williams; and I think said that

Williams rode out from the jail and passed him, but am not positive of this. I think that Brackenbury also stated, that on his return to Waisaw, Sharp overtook them and stated that Joe and Hyrum Smith were dead, for he had had hold of them since the men left the jail.

*Cross Examined.* I state from recollection and from writing. There was a memorandum kept by Reynolds, Hickox, and myself. A copy was taken at the time by Hickox, and I think it was correct. It was read once or twice to the jury. It is the paper that McConnell took away. If it has not been altered it is correct. Do not know that I could tell whether that paper has been altered. Do not recollect all that Brackenbury said. He said he was at the Railroad Shantee. I heard part of his evidence yesterday. Part of his testimony was the same as before the Grand Jury, and do not know that his statement of what occurred at the Shantee differed. He stated before the Grand Jury that he came with the crowd to Carthage, driving Fuller's wagon. I think he did not state anything before the Grand Jury about Elliott; my impression is that he did not. He said he saw a man by the name of Smith at Chapman's place on the prairie, as they came up. He said before the Grand Jury that as they came within 4 miles the company separated. Said something about their being met by a Carthage Grey. His testimony went to show that Aldrich and Williams were there at that time. He said a man came out who was said to be a Carthage Grey, but that he did not know him to be a Grey, but supposed so. I think he said he saw Col. Williams and Henry Stephens conversing with him. I do not recollect distinctly that he said any of the Defendants passed him on his way back. He said Williams rode a bay or sorrel horse. Brackenbury did not state about the horse as an inference, but positively. Said at first he was half a mile from the jail, and when interrogated how he could know what was going on at jail, said it might not have been over a quarter of a mile. I think he stated that some of the men came from the jail and got into his wagon; think he said Grover, Wills, Voorhes and Gallaher got into his wagon; and think something was said about James Gregg passing him. Said some one told him to put out some of the baggage and return. The memorandum was made from our best recollection, when the evidence was fresh. The remainder of Brackenbury's statements, except as to Williams, does not materially vary. The evidence before the Grand Jury was given last fall. Brackenbury said yesterday that five or six men got into his wagon; my impression is that he said before the Grand Jury that Voorhes and Gallaher got into his wagon. Don't know that I heard what he said yesterday about the Grey; but think he said before the Grand Jury that the Grey rode an iron grey poney. The evidence taken before the Grand Jury was said to have been taken away by Mr. McConnell--[Mr. Lamborn said it would be here this evening.] Cannot say that Brackenbury said any thing he heard from the Grey. Miss Graham was not called before the Grand Jury.

*James Reynolds sworn.* Was a Grand Juror at the last Term of Court. Brackenbury was then examined. He said he saw Col. Williams at the jail, during the whole time of the transaction there, on a dark bay or sorrel horse. He said a person met them who was represented to be a Carthage Grey; the first he saw of him he was in conversation with Williams and Stephens. Heard the Grey say now was the time if any thing was to be done, or words to that import. The jury kept a record of the testimony, which was taken away, and I made a memorandum with Hickox the next day. McConnell was here acting as attorney for the prosecution; said he wished the manuscript long enough to make out a list of the witnesses. I called on him and said I wanted it; he said he was not quite done with it. I had to go home that night. Next day I wrote this transcript. I think the one McConnell had was generally correct. Think I would know it again.



*Larkin Scott sworn.* Live 8½ miles south of Carthage on the Quincy road; know Daniels. The night the report came to my house that the Smiths were killed, he came to my house about dark, or a little after. There were a good many people there, and I did not notice Daniels for some time after. His company when he arrived was John Pike and Derrick Fuller. After a short time he said he was tired, and I told him to go up stairs to bed. About 2 o'clock at night a good many people were going in the direction of Augusta, obeying Governor Ford's orders before they got them, as I call it. I went up stairs and waked up Daniels, and told him he had better go to Augusta with Mr. Anderson's family. Daniels walked down to near Mr. Anderson's house with me. The conversation that then arose was that the Smiths were killed by the Missourians. Mr. Daniels, in reply to a question of mine, said they were not all Missourians—then stated he knew all about it, for he was in the company. Some conversation was had about the guard. He said Frank Worrell was hard to manage, it took some 2 or 3 men to hold him down; that he made strong efforts—wounded his hand very much. He said, "I am the man who took the sword from him and threw it over the fence."—I asked him how he felt on seeing the act. He answered that it did not move him, for they justly deserved it. He then commenced telling me more about it, and I stopped him, told him to keep it to himself, and nothing more was said. He said nothing about a marvellous light. I heard no conversation from Daniels about one man setting Smith up and four men shooting him, nor of those four men being paralyzed. I have stated all he told me, as far as I can recollect. He spoke of Davis backing out, and called him a coward. Said he (Davis) backed out and went to Warsaw; and that Bedell also went back, but spoke of no others; the other defendants were not mentioned. I stopped him because I did not wish to know who did the act. I am certain he did not mention the other Defendants.

*Derrick Fuller sworn.* Live six miles south of Carthage on the Quincy road. Have seen Daniels and conversed with him about killing the Smiths. The night of the killing I was on my road home, and Daniels overtook me, and told me the Smiths were killed. I cannot tell the conversation in full; but we conversed all the way home about it. He said a company of men came up to the jail—that the guard fired—they rushed on the guard, and had a scuffle. He spoke of one Mr. Worrell, and said he had a tight scuffle—that 2 or 3 men had hold of Worrell—that he (Daniels) came up, took the sword from Worrell, struck him over the hand, and threw it over the fence: He requested me, if I saw Worrell before he did, to tell him where his sword was—in the garden. Daniels said nothing about a light, but said something about Smith's being set up by the well curb, but nothing about four men shooting him, or being paralyzed and carried off. I had been to town that day; was not at the jail, but was a quarter of a mile from town when the Smiths were killed. Heard nothing in town about it. I saw Col. Williams in town. Heard Daniels' statement in Court; his statement to me generally was about the same as in Court. He did not say that any were hurt. He did not tell me who planned it at the Railroad, but said he was at the disbanding. He told about getting some milk and going up the ravine. I recollect distinctly every thing I have stated. He did not say any thing about a light; said nothing about these Defendants. Cannot say whether he told me that he went up the ravine. I do not remember of his saying any thing about being put under guard at Warsaw, or any description of the jail, or whether he was in the jail.

*John Pike sworn.* Know Daniels. I have conversed with him about killing the Smiths. I do not know much about it, but all I do know I got from Daniels. The evening the Smiths were killed, I was just leaving town for home, when Daniels came up to me, as we were just beyond the corner

of Hawley's field, and went with Fuller and I to Mr. Scott's. He was in a bluster, and complained of being tired. I asked him what was the matter. He told me he was in the first section of the men who jumped the fence and caught the guard. He was one of the men himself, and said, "We had a scuffle with Worrell," that he (Worrell) was a very strong man—it took four men to hold him down—that he then got up and drew his sword; but he (Daniels) caught the sword and struck him on the wrist. Worrell then let go the sword, and Daniels threw it across the street into the garden, in the north-west corner. He told Fuller and I, that if we saw Worrell first, to tell him where the sword was. He said something about a Mr. Davis taking his company back to Warsaw; remarking what a coward he was, and he believed they would ride him on a rail. He did not mention any thing about the rest of the men.

*Cross Examined.* Daniels said a light flashed at the jail. He said nothing about dragging off men, or of four men shooting the Smiths. When he came to me he was scared and tired. I was not at the jail; was about a quarter of a mile off, and saw the smoke of the guns there.

*John Carlyle sworn.* Have seen Daniels. Saw him at Larkin Scott's the night after the Smiths were killed. He was there part of the night in bed; I was in bed with him. He told me orders came from Carthage to Railroad Shantee for disbanding the troops. He told me that the two Smiths were dead—that he was not satisfied they were killed, and came from the Shantee to see; but did not say whether he was present when they were killed. Heard at the Shantee that they were killed. Did not say when they were killed. This was late bed time. He did not mention which Smith, or who killed them. He said they were shot—that he did not personally see them killed.

*Coleman Garrell sworn.* Reside in Schuyler County, Illinois, and know Daniels. Have heard Daniels say that he was getting pretty well paid for being a witness. I asked him what he was doing; he said he had quit cooperating, and never expected to do any more hard work, for he could make money easier than by cooper work. He said the Mormons were to give him five or six hundred dollars; that they had given him some. I got 50 cents for some butter. He said they were to give him this for appearing as a witness against these men. This conversation took place last winter in Quincy. I have known Daniels two years. He told me at Quincy, that 50 cents he paid me once before he got from the Mormons. He said he was to be paid for coming here to swear. He said nothing about the Mormons paying other witnesses. He said the Governor was to pay him \$300 for swearing. I was in Nauvoo with the Governor, when the Smiths were killed. Do not know whether the guard had the guns loaded with blank cartridges or not. When this conversation occurred Daniels was a Mormon. I never heard any admissions from the defendants.

*Thomas L. English sworn.* Live in Quincy, and have known William M. Daniels since last July. First knew him in Quincy. Have conversed with him two or three, perhaps four times, about his being a witness in this case. The first time he came to Quincy, he said he came from Augusta. The first time I asked him the particulars of the Smith killing, he said he knew nothing about it. He wished that all the Mormons in Illinois had been driven out. Some time afterwards he went to Nauvoo, and when he came back he said he had made a great speculation in writing a book. I asked him what book, and he said he was going to write about the proceedings at Carthage. I told him he had said he knew nothing about it. He said, "No matter; say nothing; as long as I can make a speculation I'll make it." I asked him if he got the money. He said no, he had got \$100 in trade that suited him as well—that he had received it already. I told him I thought he

had not sufficient intelligence to write a book. He asked why. I told him I thought his education was deficient. He then said, "As a friend and brother chip, I'll tell you. I have friends to aid me in it, and it suits me better to support my family than working." He did not think a man that could make an easy living should work hard; the world owed him a living, and he meant to have it. We were always good friends. In October last he proposed we should go hunting. Whilst out, he said he was to get \$500 if he could only work out some hit to swear against some people; there was a man at the City hotel the day before, who had offered it, and he was not tight sure whether to take it. Said if he could get it, he would pocket the money and go to New York where he came from, and leave them all. I told him he was getting into a very curious business. He said he did not know much about it, at present, but he could get into it after a while. He left Quincy soon after, and I never saw him again till last Thursday, in Nauvoo.

*Cross Examined.* After he came from Nauvoo in August or September, he said he got \$100 in trade for writing a book. I never saw the book. I think it was about September. I did not hear what Daniels said in Court. Told me he was to get \$500 for getting up something to swear against the men who killed the Smiths. Said if he could get the \$500 he would give them all leg bail, and take his family to his friends in Buffalo or Rochester. I was born in Ireland. I may have talked about this, but to no one in particular. I wrote to Mr. Sharp about it, say about a month ago. Mr. Sharp gives me nothing. Daniels said he had been in Warsaw, and worked for Philip Thomas; said nothing of being at Carthage. I have been in Quincy more than two years.

*George Seabold* sworn. Live in Quincy, follow the coopering business, and am acquainted with Daniels. He worked in the same shop, at Chapman's, opposite the City hotel. Daniels told me he had some way of making \$500, but would not tell me how then. Two days after he told me he could make \$500, and a man at the City hotel had offered it to him. He intimated that it was for prosecuting these men—said it was for prosecuting the men who killed the Smiths.

*Charles Andrews* sworn. Live in Quincy, am a carriage painter, and have known Daniels for the last two years. He came to my house on the 5th or 6th of July last, and told me he was just from Nauvoo. I asked him what had been going on, and he replied that he had seen both Joseph and Hyrum Smith killed; that he had got some money from Emma to bear his expenses. He then took a handful out of his pocket. There was nothing more said then. Some time after, he told me he was offered \$500 to clear out, and asked me what I thought of it. I replied that I would devilish quick go. I asked him who offered it, and understood him that he was offered it by Mr. Bedell of Warsaw. He said he should stay; that he could get \$1000 from the Stato. I said, suppose they kill you, which I am afraid some one will; and he replied, that if they did, his wife would get the money, and that is just as well. I do not recollect any other conversation about it. My wife and Daniels' wife are sisters. I do not know Eliza Graham; think I have heard Daniels speak of her.

*Cross Examined.* I do not know whether the Governor was in Quincy then or not. Daniels saw the Governor when he was there in the fall—said he was acquainted with the Governor. Said Emma Smith gave him about \$10 to bear his expenses. Daniels said he was going to take the highest bid. I supposed he knew all about the difficulty. Did not put much confidence in what he said about offers. Am well acquainted with Daniels for the last two years. I was afraid if he told all about the murder, some of the murderers would kill him.

*George McLane* sworn. Live in Quincy, am a cooper by trade, and

know William M. Daniels. Never worked in the same shop, but am well acquainted with him. Daniels came to where I was at work on the 27th of July last, the first time I had ever seen him. I asked him if he knew any thing about the death of the Smiths. He said he did not—that he was in Augusta when they were killed, and remained there until the 27th July, when he came to Quincy, as he said, with the Governor. Some two months after that we got into conversation again. He wanted to know why I worked so hard—said there was no use of a man's working when he could get plenty of money without. Said he had a prospect in view by which he could get plenty of money without, and had already received some. Think he said \$20, in a letter.

*Cross Examined.* Never saw Daniels till he went to Quincy. He came there the night of the 26th of July. Said he was in Augusta when the Smiths were killed. Am certain it was the 27th of July when I first saw him. He spoke of making \$400 or \$500 by a speculation, but did not say what sort of a speculation, or who he had received the \$20 from.

*Abraham I. Chittenden* sworn. Saw Capt. Grover at my house early on the morning of the day the Smiths were killed. He breakfasted in my son's room. I spoke to James Gregg, as he passed my house near night; he was riding a light gray stud horse. He came in from the eastward. Believe he was just from Carthage, but did not ask him. Think he was alone, and know he was not riding in a two horse buggy with Sharp. Did not see Sharp until in the evening. It is supposed to be half a mile from my house to the river: Fleming lives near the river.

*Cross Examined.* The troops were encamped near my house. Never heard Grover say he was in Carthage. Do not know whether my sons were here. Gregg told me the Smiths were dead. Should think the sun was half an hour high when I saw Gregg. Saw Sharp after candle-light at Mr. Rockwell's. Think he said nothing about the Smiths being killed. Did not see Williams, Aldrich or Grover. Did not see a lot of men come in.—Saw two men come in with a message from the Governor.

*E. A. Bedell* sworn. Reside in Warsaw, did when the Smiths were killed, and was there part of that day. Saw Sharp come into town a little before sun down, and think he was alone on a clay-bank horse. Am certain he came in on horse-back. He halted a little above his own dwelling, opposite the post-office door, and think, he got, off there. That is 40 yards from Fleming's Tavern, I never offered Daniels anything.

*Cross Examined.* Don't know that an express was sent to Quincy. Do not recollect of seeing Sharp and Gregg about dark. Was not at the Railroad shantee; was not present when they beat up for volunteers; did not see any of the Defendants in town that afternoon. Davis went back some distance with me, and asked me for my horse, and requested me to advise some one to go back to Warsaw. Think I saw him at 9 or 10 o'clock at night. When I saw Davis last on the prairie he was on foot; Fultz's team was in company, I think.

*John W. Williams* sworn. I Was in Carthage on the morning of the 27th of June last. Saw Mr. Sharp immediately after breakfast that morning, in company with Governor Ford, in the Governor's room. This was before 8 o'clock in the morning; and previous to the Governor's holding a council of officers, to consider whether he would countermand the order given to march to Nauvoo at 8 that morning. Do not know whether Sharp was present at that council, or whether he was then in town. The orders were countermanded, and the main body of the troops dismissed. The Governor went to Nauvoo with the Augusta troops; some of the Carthage troops were not dismissed.

*Cross Examined.* There had been great excitement. It was reported

that there was the most excitement and bitterness among citizens of Warsaw. Saw Michael Barnes riding out west, said he was going home. Sharp was trying to persuade the Governor not to disband the troops, but to take them to Nauvoo. Do not remember what reason he gave. Think there was then about 600 troops here. Do not know what sort of horse Barnes rode. He was on the plain travelled road towards his father's north west from Carthage.

*E. W. Gould sworn.* I was in Warsaw on the 27th day of June, the day the Smiths were killed. Was the evening and night of that day. I saw Sharp come into town riding a dark bay horse—it might have been sorrel, but think it was a bay. The horse I think belonged to Mr. Dedman of Missouri. When I first saw Sharp, some person was with him on a white horse. I think it was James Gregg. He turned off before he came to where I was. Sharp stopped at his own house, 40 yards this side of Flemings, and on the opposite side of the street. He did not go on to Fleming's, but stopped in front of his own house. Was not travelling in a two horse buggy. I took his horse myself and led him to the tavern. This was about sundown; Gregg and Sharp separated about 50 yards above Sharp's house, and 100 from Fleming's. Gregg turned off to the north, and went round to his own house or stable. It was as near that way to his house, and nearer to the stable. I saw Sharp a moment after at his window, and did not see him again that night. I was about Fleming's house nearly all the evening. If Sharp and Gregg had come up in a buggy about dark, I know I should have seen them, that is, if they arrived before dark. I was in the street and at my own house about that time. It is right opposite Fleming's tavern. 70 feet off. Kept store there. There are 2 large doors in front, and we kept both open in warm weather. They were open all that day. I remained about town till 11 o'clock, and then went on guard. I boarded at Fleming's. Some men arrived in the evening for supper. The extra supper was over, and all done eating before I left. They had been eating for an hour or two. Mean by evening, from dark till bed time. It was about 9 o'clock when the extra supper commenced, and it continued till 11, perhaps later, but I think not. I was there when the men commenced eating, and think I staid till all were done. They were short for help, and Mr. Key and myself waited on the table. Did not see Mr. Grover that day or night. Was perfectly well acquainted with him: think he could not have eaten supper there without my noticing him.

*Cross Examined.* Think Sharp came in before sundown. Think I took his horse. Some one enquired the news. Sharp said Joseph and Hyrum Smith are no more. After I took his horse I went into ranks in front of Sharp's house; they were beating up for a guard, were about a dozen in the company. Do not know that I saw Gregg again that evening or night. Do not know of a two horse buggy being got up for any express. I was in the ranks about 10 minutes. I was set for guard for the latter part of the night. Do not know how many carriages came to town that day. Think I was between the tavern and store at dark; was either at the tavern, store, or in the street. Was most in the street. Was about there all the evening. Do not recollect seeing Grover that night. Did not see Key call for supper. Think Key has gone to Tennessee. Gregg resides in Warsaw. I would guess that between 40 and 60 eat supper that night. Think I saw a wounded man in the street, but not in the house. Did not see Davis that night, to my knowledge. Myself and Key did most of the waiting. Was not in the bar-room during supper; but was at the table all the time. Do not know every man that was there. Think I should have seen Grover and Davis if they had been there. Do not recollect one word that was said. Do not recollect seeing a man in the kitchen with a quilt around him. Eliza Graham

was living there; was preparing coffee in the kitchen. Do not know whether I went in with the crowd to supper. Was not in the house much till supper was ready. I supposed they had been to Carthage. I think the wounded man was Wills. He said he was wounded in the hand or wrist. Did not hear him say who wounded him. I was there at the usual supper. Think Davis and Grover were not there at breakfast. The encampment was half a mile off. There was an alarm in town during the latter part of the night, by firing of guns, and much consternation. Was not then at the house there was no alarm after that, that I know of. No alarm next night. Think all fear by that time had subsided. The alarm on the night of the 27th was general.

*Mrs. Ann Fleming sworn.* I recollect the day the Smiths were killed, was then residing at Warsaw House, which my husband kept. I was at the house all that evening and night. Was in my room when I received the first intelligence of the death of the Smiths. Know Sharp. Did not see him or Gregg ride up in a 2 horse buggy about dark; had no conversation with Sharp that evening about the murder of the Smiths, or on any other subject. Sharp and Gregg did not come into the hall and call on me for water. I remember a number of men coming after night for supper.— Was at that time well acquainted with Capt. Grover; he boarded at my house. I did not see him among the number that came there to supper that night. He did not bring a wounded man to the kitchen, and ask my permission for him to sit by the fire. There was a wounded man sitting by the fire. I know Capt. Grover did not bring him there.

*Cross Examined.* I saw the wounded man when he first came into the kitchen. Don't know who went into the kitchen, but know it was not Capt. Grover or Capt. Davis. Grover and Davis might have been there and I not see them. I was not in the dining room much; was not in the bar room at all. Did not hear any talk about being at Carthage, or about the Smiths or Mormons. Do not recollect of seeing Sharp that afternoon; think I should recollect if I had seen Sharp. Think one of my brothers first told me of the death of the Smiths, about sun-down that evening. Am not sure it was my brother, but it was one of the family; know it was not Sharp. There were a good many people there late in the evening, and not before dark; they came for supper about nine. Got through about 2, I think. There was some alarm that night, and some of the people left. I went to Quincy the next night. I recollect some who were there that night—Key was there. The wounded man had a quilt on him. Don't think I knew them who put the quilt on him. Capt. Gould was there all through supper. Eliza Graham was there, and my mother-in-law, Hannah Fleming, and Mrs. Dearborn. Mrs. Garrouette was in bed. Mr. Gering was there; has been living in Warsaw. Gregg lives in Warsaw also. Key called for supper. He called on me.

The testimony closed on Wednesday, the 28th, at noon, when the argument of counsel commenced and continued until Friday at 12 M. when the case was given to the jury. The Court then adjourned to meet at 2 o'clock P. M. On the opening of Court, in the afternoon, the jury appeared with a verdict of "NOT GUILTY."

Immediately on this verdict being announced, the Defendants asked that the trial on the indictment for the murder of Hyrum Smith should commence immediately; but this was denied them for want of time. The Court however, ordered a Special Term for the trial of said indictment to commence on the 19th day of June 1845. On Wednesday, the 20th of June, the court having met pursuant to said order, and no prosecutor appearing, the Judge dismissed the case for want of prosecution.